

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT HENRY CORLISS
Plaintiff,

COMPLAINT

LEVESQUE AUTO SERVICES, INC.
THE FALL RIVER POLICE
DEPARTMENT and DOES 1-10
Defendants.

CONVERSION (OF
A MOTOR VEHICLE)

04 · 10834 DPW

Referred to MJ R B Colling

RECEIPT # 55543
AMOUNT \$ 150.00
SUMMONS ISS. No-Walker
LOCAL RULE 4.1
WAIVER OF SERV. _____
MCF ISSUED _____
AO 120 OR 121 _____
BY DEPT CLK _____
DATE 4-27-04

I. INTRODUCTION

This tort action is commenced within the allowed three years under Massachusetts law from the date the cause of action accrued. [Mass. Gen. L. ch 260, ss 2A]. The United States District Court of Massachusetts has jurisdiction over all local Indian matters. Plaintiff alleges that the defendant Levesque Auto Services, on or about May 5, 2001, at the behest of the Fall River Police Department, entered the Watuppa Indian Reservation, where the Nemasket Troy Wampanoag tribe was regularly (monthly) holding legal Council removed and kept plaintiff's motor vehicle.

II. BACKGROUND

The real property in question (275 Indiantown Road, Fall River) is part of the Watuppa Reservation, granted to the Province of Massachusetts Bay for the benefit of "Indian Natives" by deed from Benjamin Church in 1709. Mass. Acts 1907, chap 493, sec. 1, took approximately half this deeded reservation leaving 99.5 acres located at 275 Indiantown Road, Fall River. (See Addendum - Exhibit A - Reservation outlined.)

III. FACTS

1. For many years the Indians have debated the use of the reservation. (See Addendum - Exhibit B - local newspaper article dated 1970.)
2. In the summer of 2000 a group of local Indians, including a number of the original descendants, formed, complete with Constitution, a tribe which held activities, powwows and Council (government meetings) on the reservation. The plaintiff was selected as Council Chairman. The tribe was named the Nemasket and Troy. (See Addendum - Exhibit C - Council vote establishing tribal name. Tribal records, Council minutes, available upon request.)
3. The City of Fall River was made aware of the tribe and its intentions. (See Addendum - Exhibit D - March 24, 2001 - Letter to Fall River City Council. - 2 pages)
4. On or about April 20, 2001 while traveling nearby (Route 24) Council Chairman Corliss's car (The 1988 Nissan in question) broke down. He had it towed to the reservation thinking it would be safe there. The car was safely placed out of the way. Plaintiff informed the Council but before he could retrieve the vehicle it had disappeared.
5. The first the plaintiff heard of the towing from Levesque Auto Service, Inc. was via certified letter dated June 30, 2001 and a second a month later. (See Addendum - Exhibit E - Notice to Owner - 2 pages - two notices.)
6. Plaintiff replied via letter on December 26, 2001. (See Addendum - Exhibit F)

7. On or about December 28, 2001 plaintiff had a call from Levesque Auto. The caller never gave his name, stated he lived near the reservation, knew it was an Indian Reservation but that my "fight" was with the Fall River Police not him. He provided, via fax, his "tow" request from the Fall River Police. (See Addendum - Exhibit G - Fall River Police Department Auto Removal Form - Dated 5/03/01.

IV. LAW OF CONVERSION (M.G.L.A. 266 § 120D)
MASS GEN. L. CH 266 § 120D

For the plaintiff to recover he must prove:

- 1) An interference by the defendant(s) with plaintiff's right of possession so serious as to warrant that the defendant pay the chattel's full value;
- 2) And intent to do the act that brings about the interference.


V. CONCLUSION

It appears clear that the Fall River Police went out of their way to cite a vehicle as "abandoned", which was not, on property over which they had no jurisdiction so as to intentionally cause plaintiff harm.

WHEREFORE, the plaintiff prays that the Court hold the defendants liable for the fair market value of the 1988 Nissan pick-up truck as of time of conversion, May 5, 2000, approximately Fifteen Hundred Dollars (\$1500) and any other costs that the

Court may deem appropriate.

Dated: April 27, 2004




Albert H. Corliss
Pro Se
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Brookline, MA 02446
(617) 731-1309

CERTIFICATE OF SERVICE

I, Albert H. Corliss, certify that I have on this date, April 27, 2004 served a copy of the foregoing Complaint - Conversion (Of a Motor Vehicle) and a * Summons (Waiver of Service of Summons - 2 copies with self-addressed and stamped return envelope enclosed) on the following parties via first class mail:

Levesque's Auto Service, Inc.
771 Rodman Street
Fall River, MA 02721-4241

Corporation Council
City of Fall River
Law Department
One Government Center
Fall River, MA 02722



Albert H. Corliss
California license #97160